

**PLACER COUNTY SUPERIOR COURT
THURSDAY, CIVIL LAW AND MOTION
DEPARTMENT 3
PRO TEM JUDGE CHRISTINE S. DEHR
TENTATIVE RULINGS FOR DECEMBER 15, 2022 AT 8:30 A.M.**

These are the tentative rulings for the **THURSDAY, DECEMBER 15, 2022 at 8:30 A.M.**, civil law and motion calendar. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by **4:00 p.m., WEDNESDAY, DECEMBER 14, 2022**. Notice of request for argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date and approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

NOTE: REMOTE APPEARANCES ARE STRONGLY ENCOURAGED FOR CIVIL LAW AND MOTION MATTERS. (PLACER COURT LOCAL RULE 10.24.) More information is available at the court's website: www.placer.courts.ca.gov.

Except as otherwise noted, these tentative rulings are issued by **PRO TEM JUDGE CHRISTINE S. DEHR**. If oral argument is requested, it shall be heard at **8:30 a.m.** in **DEPARTMENT 3** located at the Historic Auburn Courthouse, 101 Maple Street, Auburn, California.

1. M-CV-0082370 STANFORD TERRACES v. POCHOP, CHRISTINA

Motion re Default on Stipulated Payments

The motion regarding default on stipulated payments is dropped from the calendar as no moving papers were filed with the court.

Plaintiff's Motion for Summary Judgment or, in the Alternative, Summary Adjudication

The court deems the motion to be a request for entry of judgment pursuant to the parties' stipulation.

The request for entry of judgment pursuant to the stipulation is granted. Judgment is entered in favor of plaintiff pursuant to the terms of the Stipulation for Entry of Judgment filed on November 22, 2022.

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2. M-CV-0082642 GIRN, NAIB v. MARKS, MIKE

Defendants' Demurrer to the Complaint

The demurrer is overruled. The factual allegations within the complaint are sufficiently pleaded to support the unlawful detainer cause of action.

Defendants shall file and serve their answer or general denial by December 20, 2022.

3. S-CV-0039938 STOREMSKI, JENNIFER v. KD HOMEBUYERS

The motion for leave to amend is dropped from the calendar as no moving papers were filed with the court.

4. S-CV-0045664 REED, MEGAN v. WATT PROP MGMT

The demurrer to the answer is dropped from the calendar as no moving papers were filed with the court.

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S-CV-0046210 GONZALES, LUCIL v. GENERAL MOTORS

Plaintiffs' Motion for Attorneys' Fees and Costs

The motion is granted.

The court determines the lodestar fees are \$61,435.00 based upon the following hourly rates reasonable for comparable work within Placer County along with the number of reasonable hours as outlined below:

NAME	NO. OF HOURS	RATE	TOTAL
Joe Liu	106	\$400	\$42,400.00
Nancy Zhang	30	\$400	\$12,000.00
Diana Jung	4	\$350	\$ 1,400.00
Clarence Serrano	32.2	\$175	\$ 5,635.00
TOTAL			\$61,435.00

The court declines to apply a multiplier, either positive or negative, in this instance.

Plaintiff is awarded \$61,435.00 in attorneys' fees and costs pursuant to the cost memo.

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5. S-CV-0046752 VICARA HOA v. DEDRICKSEN, SUSAN

Plaintiff's Demurrer to the First Amended Answer (FAA)

The demurrer is overruled. The allegations within the eighteenth affirmative defense are sufficiently pleaded.

6. S-CV-0047426 DOE 7016, JOHN v. ROSEVILLE CITY SCHOOL DIST

Defendant's motion for summary judgment or summary adjudication is dropped from the calendar. A notice of settlement of the entire action was filed on December 9, 2022.

The trial date and all trial-related dates are vacated.

An OSC re settlement is set for June 26, 2023 at 3:30 p.m. in Department 40. The clerk shall provide both parties notice of the setting of this OSC hearing.

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7. S-CV-0047964 SILVA, CASSANDRA v. BANGERTER FIN SERV

Defendants' Motion for Summary Judgment or, in the Alternative, Summary Adjudication

The motion is denied. There is sufficient evidence presented to show a triable issue of material fact as to defendants' knowledge of plaintiff's status as a domestic violence victim and whether their adverse employment actions, along with their failures to accommodate, were based upon her domestic violence victim status. (Plaintiff's Response SSUMF Issue 1, nos. 1-8; Issue 2, nos. 2, 4, 5, 7; Issue 3, nos. 1-11, 13; Issue 4, nos. 1-12, 14; Addt'l Facts nos. 1-33.)

8. S-CV-0048346 MADDEN, JAMES v. HANSON, PAIGE

Plaintiff's Motion for Trial Preference

The motion is granted. (Code of Civil Procedure section 36(a).)

Placer Court case Madden v. Hanson, case no. SCV-48346, is given trial preference. The current trial dates are vacated.

A jury trial is set for Monday, April 10, 2023 at 8:30 a.m. in a department to be assigned. The parties shall contact Master Calendar/Jury Services the Friday prior to trial, between 1 p.m. and 3 p.m., for further assignment information.

A civil trial conference is set for Friday, March 24, 2023 at 8:30 a.m. in Department 3.

A mandatory settlement conference is set for Friday, March 17, 2023 at 8:30 a.m. in a department to be assigned. The parties shall report to Master Calendar/Jury Services.

The civil clerks shall notify Master Calendar of this order and trial preference for this case.

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9. S-CV-0048776 TRANSAMERICA LIFE INS CO v. COX, D.

Petition for Approval of Transfer of Structured Settlement Payment Rights

The petition is granted as prayed.

The court has carefully reviewed the operative petition, supporting declarations, and related attachments in light of the factors found in Insurance Code section 10139.5(b) and finds (1) that the transfer is in the best interest of the payee; (2) the payee has been provided a written advisement to seek independent professional advice regarding the transfer and has knowingly waived the right to receive such advice; (3) the notification, disclosures, and transfer agreement comply with the requirements of Insurance Code sections 10136, 10138, and 10139.5; (4) the transfer does not contravene applicable law or order of the court; (5) the payee understands the terms of the transfer agreement; and (6) the payee does not wish to cancel the transfer agreement.

10. S-CV-0048834 ABBA, AMANDA v. ABBA, MOE

The anti-SLAPP motion is dropped from the calendar. A full dismissal with prejudice was entered on December 12, 2022.

11. S-CV-0049462 CRAWFORD, G. v. COMMON CIDER CO

Plaintiff's OSC re Preliminary Injunction

Ruling on Objections

Defendant's objections are sustained in their entirety.

Ruling on Preliminary Injunction

Plaintiff's OSC re application for issuance of a preliminary injunction is denied. Plaintiff has not made a sufficient showing that the balance of hardships tip in favor of plaintiff. Nor has plaintiff made a sufficient showing of a reasonable probability of prevailing on the merits.

The temporary restraining order issued on November 21, 2022 is dissolved forthwith.